

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL EDWARD CALLAHAN,

Plaintiff,

v.

JON H. HULSING, et al.,

Defendants.

Case No. 1:18-cv-1185

HON. JANET T. NEFF

_____ /

OPINION AND ORDER

Plaintiff initiated this action on October 19, 2018 against the Honorable Jon H. Hulsing and other unnamed judges of the Ottawa County 20th Circuit Court, alleging that Judge Hulsing erred by entering a Personal Protection Order (PPO) against Plaintiff. On November 2, 2018, the Magistrate Judge issued a Report and Recommendation, recommending that the action be dismissed for lack of subject matter jurisdiction. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (ECF No. 10). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

In his one-paragraph objection, Plaintiff asserts that Judge "Hulsing violated subject matter jurisdiction" (ECF No. 10 at PageID.23). Plaintiff wholly fails to identify any factual or legal error in the Magistrate Judge's analysis of this Court's jurisdiction over the subject matter of his case.

Therefore, the Court denies Plaintiff's objections and approves and adopts the Report and Recommendation as the Opinion of the Court.

Accordingly, a Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58; *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) ("Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause."). Because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007). Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 10) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 9) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (ECF No. 1) is DISMISSED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of the Judgment would not be taken in good faith.

Dated: February 6, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge